

In accordance with Section 3 of the Federal Act on the Restitution of Art Objects and Other Movable Cultural Property from Austrian Federal Museums and Collections and from Other Federal Property (Art Restitution Act-KRG) as amended by Federal Law Gazette (BGBl.) I No. 158/2023, at its meeting on 18 November 2025, the Art Restitution Advisory Board unanimously adopted the following

DECISION

The Federal Minister of Housing, Arts, Culture, Media and Sport is recommended to transfer the photographic negatives and photographic materials (8,244 items) from the dossier “Ernst Förster (Atelier Adèle)” of the Commission of Provenance Research 11/2025, which are listed in the supplements to this decision, from the Austrian National Library to the legal successors *causa mortis* of Ernst Förster.

GROUNDINGS

The Advisory Board has received the aforementioned dossier from the Commission for Provenance Research. This dossier contains the following facts which are relevant to the decision:

Adele Förster was born in Złoczów, Galicia, in present-day Ukraine, on 9 August 1845. She was the second of the four children of Samuel Perlmutter (1812–1865) and Klara, née Margulies (1822–1908). Around 1860, the family moved to Leopoldstadt, Vienna's 2nd district, where Samuel opened a photo studio which he named Atelier Adèle after his daughter at the Hôtel de l'Europe at Praterstraße 18 in 1862. Adele trained with the painter and photographer Emil Rabending and worked in her father's studio from the start. In 1864, she became the second woman to join the Photographische Gesellschaft (Photographic Society) in Vienna. Adele Perlmutter was Vienna's first “Imperial Court Photographer” – she was awarded this title in 1868, the year in which she opened a second studio in the Hotel Müller at Graben 19 in the city center. From 1874, this studio was run by her older brother Wilhelm, who was also a photographer and was awarded the title of “Imperial Court Photographer” in 1880. Her younger brother Max Perlmutter specialised in reproduction technology and ran the Art Institute for Photozincography in Linke Bahngasse in Landstraße, Vienna's 3rd district. He also managed the branch of the Adèle studio in Walfischgasse; there were also summer studios in Bad Ischl and Karlsbad, as well as an open-air studio in Vienna's Prater.

In 1871, Adele Perlmutter married Eugen Heilpern (1843–1921), a merchant from Breslau, with whom she had three children: Johann Friedrich, born in 1872, Melanie Elinor, born in 1874, and Georg Richard Wilhelm, born in 1881. In 1888, the family left the Jewish Community (IKG) and joined the Protestant (A.B. = Augsburg Confession) religious community. Both sons studied chemistry and became partners in the Heilpern & Haas factory, which remained in existence until its liquidation in 1939. Their sister married Ludwig Ferdinand Graf, the painter and co-founder of the Hagenbund artists' association.

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In 1905, Adele Heilpern retired from the photography business and transferred her shares in the company to her brother Wilhelm, who had changed his surname from Perlmutter to Förster years earlier. After the takeover, the photo studio operated under the name Atelier Adèle – Owner Wilhelm Förster, Imperial and Royal Court Photographer. His son Ernst, born on 4 December 1879, was granted procuration and joined the company as a general partner in 1908. In 1910, he was elected to the board of the Photographic Society. After his father's death in 1918, he continued to run the studio in the family tradition. Ernst Förster, who left the Jewish community in 1898 and converted to Catholicism the following year, married Helene Doller in 1920. She was born in Mödling on 8 June 1889, the daughter of Malvine, née Popper, and Gustav Doller, owner of the Perchtoldsdorf vinegar factory Gust. J. Doller & Co., who had converted from Judaism to Protestantism on an unspecified date. The couple lived at Weihburggasse 26 in Vienna's 1st district and remained childless.

In addition to Atelier Adèle at the Graben, Ernst Förster ran a studio in Prague and a photo studio in Karlsbad under the name Atelier Sansouci, where he often spent the summer months. True to its origins, the studio focused on studio photography, primarily for portrait and fashion photography. Countless print media outlets in the 1920s and 1930s featured photos produced at Atelier Adèle, and thousands of portraits of artists, singers, actors, politicians, athletes, aristocrats and other contemporary celebrities can be found in magazines such as Bühne, Moderne Welt, Muskete, Mocca, Mein Film, Sport und Salon and Wiener Salonblatt. In 1924, Ernst Förster participated in the anniversary exhibition of the Vienna Arts and Crafts Association at the Imperial Royal Austrian Museum of Art and Industry. In early 1937, on the occasion of the 75th anniversary of the studio's founding, he organised a comprehensive anniversary exhibition, which was extended due to the great interest it generated. In its 10 January 1937 edition, the Neues Wiener Tagesblatt wrote that the photographs "not only tell the story of the development of photographic art in a highly vivid way and without words, they also recount a fascinating piece of contemporary history, speaking of people and things in a variety of expressive forms". In January 1938, Förster was awarded the "Austrian Gold Medal of Merit" by Federal President Wilhelm Miklas at the request of the Federation of Austrian Traders in Vienna in recognition of his reputation as an expert and his many years of successful work on the board of the Photographic Society.

With the annexation of Austria to the Nazi German Reich in March 1938, the Förster couple, who were considered Jewish under the "Nuremberg Laws", were affected by the persecution measures of the Nazi regime. On 29 June 1938, Ernst Förster filled out the "Register of Jewish Property as of 27 April 1938". In it, he assessed, among other things, the business assets of his studios in Vienna, Prague and Karlsbad, whereby photographic negatives were not explicitly mentioned as inventory. For the Vienna location, estimates of the inventories and furnishings were made by appraisers Robert Thiele and Eduard Janeczka – the Declaration of Assets and appraisals for the studios in Prague and Karlsbad were submitted later. A power-of-attorney for lawyer Ferdinand Hochleitner dated 15 July 1938 was attached to the declaration of assets. Regarding his wife Helene, Ernst Förster concluded that she 'has no possessions' and therefore would not be filing a declaration of assets. The Förster couple probably left Vienna at the beginning of July 1938 and moved to Karlsbad. Presumably in early summer – the corresponding "Circular No. 38 of the Reich and Prussian Minister of Economics on the transport of removal goods by emigrants" is dated 13 May 1938 – Ernst Förster submitted the mandatory application for a relocation certificate to the Municipal District Office for the 1st district in order to be

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able to transport removal goods to “Cechien” (Czech Republic). It lists six pages of household inventory and furnishings, as well as inventory from the photo studio – explicitly mentioning “approx. 3,000 old negatives” and “various old photographs”. It is not known where the items were physically located or whether Ernst Förster had already cleared out the studio at that point. The application for an export permit for works of art, which followed the application to the municipal authorities, is dated 31 August 1938, and was submitted on behalf of the shipping company Kirchner & Co. The address of the studio at Graben 19 was given. The items listed were “10 carpets, 2 clocks, 20 prints, 12 oil paintings, 2 reproductions, 1 display case with various Biedermeier glasses and knick-knacks, 19 carpets, 1 watercolor, 1 miniature”. The export of “normal household goods” was temporarily approved until 30 November 1938. However, due to the lack of a return receipt and customs stamps, the actual export cannot be verified. The tax clearance certificate for the removal goods was issued on 26 August 1938, by the tax administration for the 1st district with a validity period of one month from the date of issue. In September 1938, the district administration is likely to have ordered a re-examination of the removal goods, in the course of which it was noted: “Party has long since departed; no one can be found in the apartment”. Ernst and Helene Förster were eventually deregistered from Vienna by the police on 10 October 1938. The following year, the district administration of Innere Stadt (Vienna’s 1st district) sent a summons to Ernst Förster for 16 August 1939, regarding “the provision of information in the matter of a relocation certificate” to his former address on Weihburggasse. The letter was returned unclaimed with the note “moved abroad”. The market office department of the Innere Stadt district administration, responsible for checks on the removal of goods of “emigrants”, was then instructed to find out “where the removal goods are currently located and whether anything can be learned about the current whereabouts of the aforementioned”. On 23 August 1939, it was reported:

“The emigrant’s belongings are said to have been sold at the Dorotheum at the time (according to the caretaker).”

There is no documentation as to who ultimately initiated the liquidation of the household goods, which must have taken place between August 1938 and August 1939, but it was probably instigated by the Vienna Gestapo headquarters. On 29 August 1940, the confiscation order was issued for the (remaining) assets of Ernst Förster in accordance with the Regulation on the Confiscation of Anti-National and Anti- State Assets in Austria, based on the decree of the Security Police [S-PP (IIB)] No. 885/39.

“The entirety of fixed and current, movable and immovable property, as well as all rights and claims of Ernst Israel Förster, born in Vienna on 4 December 1879, DR, and his wife Helene Sara Förster, born on 8 June 1898, currently of unknown residence, will be confiscated in favour of the German Reich (Reich Finance Administration) in accordance with § 1 of the Regulation of 18 November 1938, RGBL. I, p. 1620.”

In the accompanying letter from the Gestapo to the Chief Finance Officer, it was noted that the only assets were furnishings, “which were sold by the Dorotheum”, with the auction yielding proceeds of

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RM 10,212.97, which were transferred to the Chief Finance Officer in Vienna.

The company Atelier Adèle, owned by Ernst Förster, was officially dissolved on 28 October 1940, and the dissolution was announced in the official section of the *Völkischer Beobachter* on 6 November 1940. At the latest when the German troops invaded Czechoslovakia in March 1939, Helene and Ernst Förster were once again subjected to persecution. The couple's last place of residence was located at Galligasse 11 (today: Havelská 11) in Prague's 1st district. On 20 June 1942, both were deported to Theresienstadt/Terezín, with transport numbers AAe-300 and AAe-301. On 6 November 1942, Ernst Förster was formally stripped of his business licence for his studios in Karlsbad and Prague. One year after his arrival, he died in the Nazi ghetto of Theresienstadt on 26 July 1943. Helene Förster was deported from Theresienstadt to Auschwitz on 15 December 1943 and was likely murdered immediately upon her arrival. Helene and Ernst Förster's names were engraved on the gravestone of the Doller family grave "in eternal painful memory" at the Perchtoldsdorf cemetery. No death certificate or inheritance proceedings were conducted.

The namesake of the Adèle studio, Adele Heilpern, who had been widowed since 1921, died at the Rothschild Hospital in Vienna on 8 February 1941, and was buried in the Protestant cemetery in Simmering in the same grave as her husband, her daughter Elinor and her son-in-law Ludwig Graf. She was spared deportation, unlike her two sons, Johann Friedrich and Wilhelm Heilpern, who were deported to Riga and Maly Trostinec and murdered in 1942. Elinor Graf's daughters survived the Nazi regime. While the two daughters of Adele's younger brother Max were able to flee to England, their brother Stefan Karl Förster was murdered in Madjanek and another brother, Franz Ignaz Förster, emigrated to Italy with his wife Leopoldine after his release from Dachau in 1939, where both were interned in 1943. After that, all traces of them were lost. Ernst Förster's youngest sister, Olga Kemp, was deported to Theresienstadt in August 1942 and then to Auschwitz on 18 December 1943, just three days after her sister-in-law Helene, where she was murdered. Ernst's brother Rudolph was able to flee to the USA with his family, while his eldest sister Alice Weis presumably died in Vienna in 1941. The four siblings of Ernst's wife Helene Förster were able to survive in exile.

Another brother of Ernst Förster, Friedrich Förster, born in 1874, who had been chief physician of the Vienna Ambulance Service until 1938, was deported on the fourth deportation transport from Vienna to Modliborzyce in the Lublin district on 5 March 1941. He survived the extermination operation of "Aktion Reinhardt" as one of only 13 deportees from this transport. Friedrich Förster was a camp doctor in several concentration camps (Kraśnik near Lublin, Budzyń near Majdanek, Mielec near Płaszów, Auschwitz, Flossenbürg) and saved the lives of fellow prisoners, as documented in the memoirs of Isak Arbus. Friedrich Förster was liberated from the Dachau concentration camp and subsequently worked as a doctor in a camp for "displaced persons" (DPs) in Garmisch-Partenkirchen.

The process of discovering the negative storage facility of "Atelier Adele" can be traced only in fragments. The collecting of photographic negatives had become established only in the 1930s. Paul Heigl, who was appointed director of the National Library in March 1938, placed the image archive, which was founded the following year, directly under his general directorate. The librarian and archivist Hans Pauer became the director of the image archive. With the help of Josef Detoni, secretary of the photographers' guild, Ostmark district office, and the Vienna Photographers' Guild, as well as a member of the Photographic Society, where Ernst Förster had once been on the board, tens of

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thousands of photo negatives found their way into the picture archive through liquidations and “Aryanizations” of photo studios. Detoni, who, especially from 1940 onwards, promoted close cooperation between the Photographers' Guild and the National Library, called for the handover of photographic negatives to the picture archive on behalf of the Reich Chamber of Fine Arts in the *Allgemeine Photographische Zeitung*, which he edited. In the summer of 1942, Pauer succeeded in establishing a contract with the Dorotheum “for the preservation of the negatives produced for the auction catalogues”, especially since “artworks from private collections were continuously registered when passing through this public sluice before the originals disappeared again”. By the end of 1942, the image archive had a collection of over 205,000 negatives. Even after 1945, the acquisition efforts continued unabated, as Pauer noted in his 1947 “memorandum”:

“In addition, lost stocks from long-abandoned studios have been and continue to be sought; sometimes for years without success, before—as in the cases of Krziwanek-Scolik and Foto Adele—notable remnants could finally be secured.”

He was referring to Ernst Förster's negative archive: On 8 August 1945, Detoni, managing director of what is now the Vienna Photographers' Guild, wrote to the “Administration of the House, Vienna 1. Graben 19” informing them that the guild had “been made aware” of the situation

“that, according to a communication from Dr. Förster, the building you manage at 1 Graben 19 still holds a stock of photographic negatives belonging to the ADELE photo studio, owned by Ernst Förster.”

Detoni emphasised the cultural and historical significance of the material and that it was in the interest of the state and research institutes to incorporate such an archive into the Austrian National Library. He further stated:

“The property rights of Mr. Förster or his company's successors would in no way be diminished or affected by this inclusion of the secured negatives in the collection. On the contrary, the transfer of the negatives to the holdings of the National Picture Archive library, due to careful storage and precise archiving, would provide protection far beyond what is usually possible for private owners and their heirs.”

Subsequently Detoni said

“We are convinced that we are acting in accordance with the wishes of our former guild member, Mr. Förster, and his company when we ask you to hand over the negative material still stored in your company to the image archive of the National Library, 1. Josefsplatz, to the attention of Dr. Hans BAUER.”

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The library responded only a few days later, as suggested by a draft letter preserved in the archives of the Austrian National Library, probably addressed to the police headquarters, dated 17 August 1945:

"The National Library has good reason to believe that the doorman of the building at Graben No. 19 keeps a collection of photographic negatives that originated from the ADELE photo studio in the basement. The last owner of the company, Ernst Förster, was in all likelihood a victim of the National Socialist regime. The collection includes numerous photographs of personalities from Vienna's political and cultural past, so it would be in the public interest to preserve this collection from dispersal or destruction."

This should clarify that "the property management company" addressed in the aforementioned letter from the guild refers to Ignaz Zeitlberger (1895–1968), the long-time doorman of the building on the Graben. Apart from the fact that he was registered (with interruption) at Haus am Graben, door number 10, from around 1920 to 1967, nothing else is known about him. In its letter to the police, the library continued that the Vienna Photographers' Guild had stated "that it would like to see this material stored at the official repository responsible for such matters, the National Library's image archive, which already contains some 350,000 negatives", and concluded with the request "to immediately seal the storage room officially to prevent any interim removal until the transfer to the National Library's image archive can be carried out". In a letter "concerning the negative storage facility of the Adele-Förster company, Graben 19", dated 2 October 1945, the library's general management asked the Vienna Police Department/Vienna Security Office IX for further information regarding the whereabouts of the main holdings. At the same time, it was announced that "the partial inventory secured at I. Graben 19 [...] will be taken over shortly".

If the "Dr. Förster" mentioned in Detoni's letter is Ernst Förster's brother Friedrich, then he did not return to Vienna until 11 October 1945. He died in Lavandou, France on 13 October 1950. In his probate proceedings before the District Court of the Innere Stadt (Vienna's 1st district), there is no indication of any claims for restitution to his brother's estate. Likewise, there is no correspondence between the Austrian National Library and Friedrich Förster. A Vienna Photographers' Guild Archive does not exist. It is not known exactly when the negative archive was taken over by the Austrian National Library. In 1953, the works listed in the supplement ./A (49 photographic plate inventory numbers) were entered in the accession book of the Copyright Register (UHR) of the Austrian National Library under the number 1106 and catalogued with the note: "Remaining stock of photographic negatives 129.376-424 taken over from the abandoned studio around 1944,." The entries for the individual objects, including a brief description, were made in the handwriting of Hans Pauer in the inventory book of the image archive/negative collection on 29 June, 2 July and 4 September 1953,.

It is no longer possible to determine how and whether these 49 photographic negatives actually came to the Austrian National Library in 1944. Nor is it possible to ascertain why they were entered in the accession register, while the remaining stock of over 8,000 negatives from the ./B supplement

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remained unprocessed for decades and has still not been inventoried. These works consist of 8,098 glass negative plates and 97 envelopes without negatives, but with 79 contact sheets or proofs and 18 positives. Most of the photo negatives are stored in their original paper envelopes and, with the exception of 27 unlabelled items, are labelled with a number/signature assigned by the Adèle studio (owner Ernst Förster) or, in some cases, with a date. The negative glass plates are almost exclusively portrait photos of people whose identities are unknown; only rarely is the name of the person depicted noted on the envelopes.

The whereabouts of the property of Ernst and Helene Förster sold at the Dorotheum in 1938/39, or of the objects listed in the export request, which were probably also not exported, are unknown.

The advisory board considered the following:

In accordance with Section 1(1).2 of the Art Restitution Act, objects owned by the federal government that were the subject of a legal transaction or legal act in accordance with Section 1 of the Annulment Act 1946 can be transferred to the original owners or their legal successors *causa mortis*. In accordance with Section 1 of the Nullity Act 1946, “legal transactions and other legal acts against payment or free of charge during the German occupation of Austria are null and void if they were carried out in the course of the political or economic penetration by the German Reich in order to deprive natural or legal persons of assets or property rights to which they were entitled on 13 March 1938”.

After the annexation of Austria to the Nazi German Reich, the Förster couple were persecuted as Jews – the company Atelier Adèle, owned by Ernst Förster and based at Graben 19, in Vienna’s 1st district, was officially dissolved on 28 October 1940. After Ernst and Helene Förster initially managed to flee to Czechoslovakia, they were deported to Theresienstadt/Terezín on 20 June 1942, on transports numbered AAe-300 and 301. Ernst Förster died there on 26 July 1943. Helene Förster was deported from Theresienstadt to Auschwitz on 15 December 1943 and murdered. The objects in supplement .A were entered into the accession register of the Austrian National Library under number 1106 about ten years later, in 1953.

In accordance with the Gestapo's confiscation order of 29 August 1940, “All movable and immovable property, as well as all rights and claims of Ernst Israel Förster [...] were confiscated in favor of the German Reich (Reich Finance Administration) pursuant to § 1 of the Regulation of 18 November 1938, RGBl. I, p. 1620.” The legal act of confiscation, which included the objects in question, which were apparently located at the headquarters of Ernst Förster's company, is indisputably to be considered null and void in accordance with Section 1 of the Nullity Act 1946.

Regarding the letter from Josef Detoni, managing director of the Vienna Photographers' Guild, to the “Administration of the building, Vienna 1. Graben 19” dated 8 August 1945, the following can be said: As revealed by the draft letter from the library preserved in the archives of the Austrian National Library probably sent to the Vienna Police Headquarters on 17 August 1945, the addressee of Detoni's letter was the long-time porter and caretaker Ignaz Zeitlberger, who was responsible for ‘safekeeping’ the “stock of photographic negatives from the property of the ADELE photo studio, owner Ernst Förster” at the Graben 19 location. However, Detoni's assurance to him that “the property rights of Mr. Förster or his company's successor [...] will in no way be diminished or affected” appears misleading. As explained above, the company had been dissolved five years earlier, and Ernst Förster (“Mr. Förster”), whose “property rights” are presumably being referred to, had died in the camp, as the National

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Library also assumed in its letter to the police headquarters. Detoni's statement to the porter that the knowledge of the existence of negatives in the Haus am Graben was based on a "communication from Dr. Förster" also appears to be questionable. This was most likely from Ernst's brother Friedrich, although it is unknown what exactly the communication from a concentration camp survivor, whose family had to the greatest extent been murdered or displaced and who was still in a DP camp in Bavaria at the time, may have consisted of.

Rather, the Advisory Board assumes that Detoni, who also advocated for the acquisition of negatives by the National Library during the Nazi era, attempted with this letter to convince the "building administration" or the porter, as the custodian of the objects, to hand them over to the library so that they would all end up in the Austrian National Library. The library's letter to the police headquarters dated 2 October 1945, which refers to the imminent takeover of the "secured partial inventory" in the building, points to this interpretation, as does the inventory of the objects in supplement ./A, which was finally carried out in 1953, regardless of whether the objects actually ended up in the Austrian National Library. The reason why the objects in Appendix ./B were never inventoried is unclear due to a lack of documentation in the Austrian National Library; there is no doubt that they – like the inventoried objects in A – are among the assets of Ernst Förster that were confiscated in favour of the German Reich in 1940. Accordingly, the Advisory Board considers the requirements of Section 1 (1). 2 of the Art Restitution Act to be fulfilled and recommends the transfer of ownership to the legal successor of Ernst Förster.

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Vienna, 18 November 2025
Univ.-Prof. Dr. Clemens JABLONER (Chairman)

Members:

Brigadier
Stefan KIRCHEBNER, MA

Associate Professor
Dr. Birgit KIRCHMAYR

Ministerial Councillor
Dr. Eva B. OTTILLINGER

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Senior Public Prosecutor
Mag. Eva REICHEL

Counsellor of the Administrative Court
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